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COMMISSION ON HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE 51st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 23 April 2002, at 10.10 a.m.

Chairperson: Mr. JAKUBOWSKI (Poland)

CONTENTS

ORGANIZATION OF THE WORK OF THE SESSION (continued)

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS

(c) FREEDOM OF EXPRESSION

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CONTENTS (continued)

(d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

(e) RELIGIOUS INTOLERANCE

(f) STATES OF EMERGENCY

(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (continued)

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN (continued)

RIGHTS OF THE CHILD (continued)

The meeting was called to order at 10.10 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. The CHAIRPERSON said that the Expanded Bureau proposed placing all the remaining agenda items in a single cluster and allowing participants to speak once only. Should the voting process continue to be slow, emergency measures would be adopted whereby the general debate would be reduced to one meeting at which non-governmental organization (NGO) participants would be allotted 40 minutes.

2. The Expanded Bureau recommended that, when proposals that had been adopted by consensus at the previous session were under consideration, an introduction should either be dispensed with or reduced considerably in length and general comments should be avoided. For all other proposals, two delegations would be afforded the possibility of speaking in favour and two against. Speaking time limits would also be strictly applied during voting.

3. Mr. AKRAM (Pakistan) said that, although aware of the difficult circumstances and time pressures facing the Commission, his delegation was not in favour of reducing speaking times since that would be prejudicial to the Commission's work. Members should be allowed to take the floor if it was in their vital national interest to do so.

4. Mr. REYES RODRIGUEZ (Cuba) said that his delegation, too, had misgivings about the recommendations. Although aware that the Commission needed to complete its work, he asked that the procedures be applied in a discretionary manner and that, when extra time was required, it should be granted. The Chairperson should be flexible and not cut short any vital debate which could prevent the Commission from reaching a conclusion. He invited members to support the recommendations made by his delegation under agenda item 3 to find a new collective solution to improving the Commission's procedures.

5. The CHAIRPERSON said that all the measures introduced at the current session were emergency measures and were not intended to create a precedent for the future. The Expanded Bureau would examine the issue in the intersessional period and reorganize the Commission's work for its next session. He asked whether the Commission wished to adopt the recommendations of the Expanded Bureau.

6. It was so decided.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS

(c) FREEDOM OF EXPRESSION

(d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

(e) RELIGIOUS INTOLERANCE

(d) STATES OF EMERGENCY

(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (continued) (E/CN.4/2002/L.55-L.58, L.60-L.62, L.64-L.65, L.67 and L.69-L.71; E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, chap. I, draft decision 4).

Draft resolution on the incompatibility between democracy and racism (E/CN.4/2002/L.55)

7. Mr. TADEO VALADARES (Brazil), introducing the draft resolution on behalf of its sponsors said that, in the penultimate line of paragraph 6, the word "by" had been replaced by "and". The final phrase "introducing or reinforcing human rights education in schools and institutions of higher education" would remain unaltered. The text consolidated previous texts adopted in 2000 and 2001, but the underlying principle was the same - parties with racist platforms could not be democratic, even if they formally respected the electoral processes.

8. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Cameroon, Canada, Chile, Costa Rica, Guatemala, Italy, Kenya, Russian Federation, Senegal and Spain and the observers for Belarus, Bosnia and Herzegovina, El Salvador, Equatorial Guinea, Israel, Moldova, Morocco, Sri Lanka and Tunisia had become sponsors of the draft resolution, which had no financial implications.

9. The draft resolution was adopted.

Draft resolution on the elimination of all forms of religious intolerance (E/CN.4/2002/L.56)

10. Ms. WHELAN (Observer for Ireland), introducing the draft resolution on behalf of its sponsors, said that it reminded States of their obligation to encourage universal respect for human rights and fundamental freedoms, condemned all forms of intolerance based on religion or belief and urged States to ensure that religious places, sites and shrines were fully respected and protected.

11. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Burundi, Chile, Costa Rica, India, Togo and Venezuela and the observers for Andorra, Democratic People's Republic of Korea, El Salvador, Equatorial Guinea, Malta, Mauritius, Panama, San Marino and the United States of America had become sponsors of the draft resolution, which had no financial implications.

12. Mr. AKRAM (Pakistan) said that, while his delegation would vote for the draft resolution, it deplored the conspiracy of silence in the Commission regarding Muslim minorities in India. One example was the recent massacre in Gujarat, where 2,000 Muslims had been slaughtered and which the Prime Minister of India had blamed on the Muslims, alleging that they did not want to live in harmony with other groups.

13. Mr. SABHARWAL (India), speaking on a point of order, said that his delegation strongly objected to the remarks made by the representative of Pakistan.

14. Mr. AKRAM (Pakistan), speaking on a point of order, said that the representative of India had asked to speak on a point of order but was actually being given a right of reply. His statement had been interrupted by the representative of India and he asked to be allowed to complete his statement or else to take the floor after the representative of India.

15. The CHAIRPERSON reminded all delegations that they had agreed to work according to accepted standards which meant showing mutual respect. He hoped that it would be possible to continue in a constructive manner until the end of the session. He invited the representative of Pakistan to complete his statement.

16. Mr. AKRAM (Pakistan) said that the international community should call on India to ban all extremist and terrorist organizations and to investigate the massacre of Gujarat and punish those responsible. He called upon the Commission to condemn such acts.

17. Mr. SABHARWAL (India) said that the representative of Pakistan sought to exploit the recent unfortunate events in Gujarat by making false accusations and quoting out of context. His delegation objected to the use of intemperate language against the elected leaders of India. The Prime Minister of India had spoken of Islam as a religion which tolerated others, taught its adherents to follow the path of truth and preached sensitivity. He had also, however, referred to elements which spread violence and terrorism in the name of distorted religious values and did not wish to coexist with others. It was objectionable that a delegation taking the lead role in presenting a resolution on the defamation of religions should, at the same time, defame the majority religion in India.

18. The killing of innocent people was wrong regardless of their religion, but it should be remembered that killings of Shi'ah Muslims were a common occurrence in Pakistan, carried out by some of the violent elements, supported by its military dictatorship, that had a political and territorial agenda against India.

19. The draft resolution was adopted.

Draft resolution on the question of enforced or involuntary disappearances (E/CN.4/2002/L.57)

20. Mr. KESSEDJIAN (France), introducing the draft resolution on behalf of its sponsors, said that the practice of enforced or involuntary disappearances remained a very serious problem affecting various parts of the world. Over the years, the Commission had demonstrated its determination to combat that intolerable form of organized repression and the draft resolution was designed to pave the way for constructive and transparent discussions on the elaboration of a new international instrument.

21. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Burundi, Costa Rica, Croatia, Ecuador and Senegal and the observers for Andorra, Democratic People's Republic of Korea, Equatorial Guinea, Madagascar, Moldova and Yugoslavia had become sponsors of the draft resolution, which had no financial implications.

22. The draft resolution was adopted.

Draft resolution on the question of arbitrary detention (E/CN.4/2002/L.58)

23. Mr. KESSEDJIAN (France), introducing the draft resolution on behalf of its sponsors, said that its main point was to take note of the recommendations made by the Working Group on Arbitrary Detention, concerning imprisonment related to insolvency and detention used as a means of protection of victims.

24. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Burundi, Costa Rica, Croatia, Italy, Senegal and Uruguay and the observers for Equatorial Guinea, Moldova and Ukraine had become sponsors of the draft resolution, which had no programme budget implications.

25. The draft resolution was adopted.

Draft resolution on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/2002/L.60)

26. Mr. LAKATOS (Observer for Hungary), introducing the draft resolution on behalf of its sponsors, said that, as in previous years, the text noted the Commission's concern at frequent attacks on the independence of judges, lawyers and court officers. It urged Governments to assist the Special Rapporteur on the independence of judges and lawyers in the discharge of his mandate.

27. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Armenia, Burundi, India, the Republic of Korea and Senegal and the observers for Australia, El Salvador, Israel and Madagascar had become sponsors of the draft resolution.

28. Ms. WONG (Secretariat) said that, in paragraph 10, the Commission requested the Secretary-General, within the limits of the United Nations regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate.

29. In resolution A/56/254 A, the General Assembly had approved resources under the regular budget of $44,727,100 for the Office of the High Commissioner for Human Rights (OHCHR) for the biennium 2002-2003. The General Assembly had been informed that OHCHR had projected that extrabudgetary resources of $62,947,300 might be available for OHCHR during the same period.

30. She drew attention to resolution 45/248, part B section VI, in which the General Assembly reaffirmed that the Fifth Committee was its appropriate Main Committee entrusted with responsibilities for administrative and budgetary matters, reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), expressed concern at the tendency of its substantive Committees and other intergovernmental bodies to

involve themselves in administrative and budgetary matters, and invited the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for administrative and budgetary matters.

31. The draft resolution was adopted.

Draft resolution on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (E/CN.4/2002/L.61)

32. Mr. SALINAS (Chile), introducing the draft resolution, which requested the High Commissioner to hold a consultative meeting for all interested parties with a view to finalizing the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law", said he had two changes to make to the text. The second preambular paragraph should be replaced by: "Reaffirming that, pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,". In paragraph 1, the phrase "the right to receive reparation, including restitution, compensation and rehabilitation, for victims of violations of international human rights law and international humanitarian law" should be replaced by the phrase "to receive restitution, compensation and rehabilitation for victims of grave violations of international human rights law".

33. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Argentina, Armenia, Brazil, Canada, Costa Rica, France, Germany, Portugal, Spain, Sweden and Venezuela and the observers for Equatorial Guinea, the Netherlands, Norway, Panama and Slovenia had become sponsors of the draft resolution which had no programme budget implications.

34. The draft resolution, as orally revised, was adopted.

Draft resolution on conscientious objection to military service (E/CN.4/2002/L.62)

35. Ms. CEK (Croatia), introducing the draft resolution on behalf of its sponsors, said that the Commission should give further consideration to the right of every person to have a conscientious objection to military service. She drew particular attention to the provisions of paragraph 2 concerning the OHCHR compilation of best practices, which could serve as a valuable tool to assist Governments in reviewing their current laws and practices and making appropriate provision for the right of conscientious objection.

36. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Austria, Costa Rica, Italy, Portugal and Spain and the observers for Bosnia and Herzegovina, Georgia, Moldova, San Marino and Slovakia had become sponsors of the draft resolution, which had no financial implications.

37. The draft resolution was adopted.

Draft resolution on further measures to promote and consolidate democracy (E/CN.4/2002/L.65)

38. Mr. VOTO-BERNALES (Peru), introducing the draft resolution on behalf of its 48 sponsors, said that its aim was to reaffirm that the full realization of all human rights was possible only in the context of democracy and the rule of law.

39. In the interests of producing a text that would have as wide support as possible, his delegation had carefully considered various amendments, which it had incorporated into the text. In response to the amendments put forward by the Cuban delegation (E/CN.4/2002/L.71), his delegation had inserted a new preambular paragraph, following the existing third preambular paragraph, to read: "All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development" (the wording used in article 1 of the International Covenant on Civil and Political Rights). Secondly, a new phrase should be inserted at the beginning of the sixth preambular paragraph, which would then read: "Reaffirming that the promotion of all human rights, including the right to development, and the elimination of extreme poverty ...".

40. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Costa Rica, Japan, the Republic of Korea and Venezuela and the observers for the Dominican Republic, El Salvador, Equatorial Guinea, Latvia, Malta, Nepal, San Marino, Slovenia, Tunisia, Turkey and Yugoslavia had become sponsors of the draft resolution, which had no financial implications.

Amendment to resolution E/CN.4/2002/L.65 (E/CN.4/2002/L.71)

41. Ms. DE ARMAS GARCÍA (Cuba), introducing her delegation's amendments to the draft resolution on further measures to promote and consolidate democracy, said that the existing text was a flawed one since it assumed that only one form of democracy existed. The representative of Peru had, albeit somewhat reluctantly, made some changes to the draft resolution. She therefore proposed that the Commission should take action only on paragraphs 2 and 8 of her delegations amendment (E/CN.4/2002/L.71). On those two paragraphs, however, she requested a recorded vote.

42. Mr. SHEN Yongxiang (China), speaking in explanation of vote before the voting, said that democracy could take many different forms, ranging from the presidential to the parliamentarian to the constitutional monarchy. The essence of self-determination was that countries could choose their political systems, according to their national circumstances. Insistence on a universal model would be disastrous. His delegation therefore supported the amendments proposed by the delegation of Cuba and would abstain from voting on the draft resolution.

43. Mr. PÉREZ-VILLANUEVA y TOVAR (Spain) said that the draft resolution was a balanced text, achieved as a result of broad informal consultations, and incorporating some elements of the Cuban amendments. It represented the views of many countries with different systems. The adoption of the Cuban amendments would affect the balance achieved. The European Union would therefore vote against both amendments.

44. Mr. VOTO-BERNALES (Peru) said that the purpose of the draft resolution was to emphasize the need for measures to reinforce democracy, particularly in the context of civil and political rights. That did not mean that other rights should be ignored but merely that they were dealt with in other resolutions. The emphasis must ultimately be on civil and political rights, which constituted the essential elements of democracy. His delegation would therefore vote against the Cuban amendments.

45. Mr. SABHARWAL (India) said that, having been a colony itself, his country sympathized with those living under colonial or other forms of alien domination, especially since the people of a part of India had been under illegal foreign occupation by a neighbouring State since 1947. His delegation would, however, abstain from voting on paragraph 2 of the Cuban amendment, since the focus of the draft resolution was the various elements that promoted and consolidated democracy. If the draft resolution were to consider also situations derogating from democracy, it would be necessary to widen the scope to take in, for example, military dictatorships, which dramatically undermined the democratic rights of the people.

46. A recorded vote was taken on the amendment contained in paragraph 2 of document E/CN.4/2002/L.71.

In favour: Algeria, Bahrain, Burundi, Cameroon, China, Cuba, Democratic Republic of the Congo, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Pakistan, Russian Federation, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Viet Nam, Zambia.

Against: Argentina, Armenia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Japan, Mexico, Peru, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining: India, Nigeria, Saudi Arabia, Senegal, Sierra Leone, Venezuela.

47. The amendment contained in paragraph 2 of document E/CN.4/2002/L.71 was rejected by 25 votes to 22, with 6 abstentions.

48. A recorded vote was taken on the amendment contained in paragraph 8 of document E/CN.4/2002/L.71.

In favour: China, Cuba, Democratic Republic of the Congo, Libyan Arab Jamahiriya, Malaysia, Pakistan, Sudan, Syrian Arab Republic, Viet Nam.

Against: Algeria, Argentina, Armenia, Austria, Belgium, Brazil, Burundi, Cameroon, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Mexico, Nigeria, Peru, Poland, Portugal, Republic of Korea, Senegal, South Africa, Spain, Sweden, Thailand, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Abstaining: Bahrain, Kenya, Russian Federation, Saudi Arabia, Sierra Leone, Swaziland, Zambia.

49. The amendment contained in paragraph 8 of E/CN.4/2002/L.71 was rejected by 37 votes to 9, with 7 abstentions.

50. Mr. RODRIGUEZ CEDEÑO (Venezuela) said he wished to express his Government's thanks to the international community and its various mechanisms for the support shown to democracy in Venezuela in the face of the abortive coup of 11-13 April 2002 and, in particular, to the regional mechanism of the Inter-American Democratic Charter. The reaction of the Venezuelan people had shown their deep commitment to participatory democracy and democratic institutions. He rejected the statements made on 12 April 2002 by the representative of a fellow Latin American country which seemed to support the attempted coup.

51. Mr. SABHARWAL (India) said that his delegation wished to add its name to the list of sponsors of the draft resolution.

52. Ms. DE ARMAS GARCIA (Cuba), having reaffirmed her Government's commitment to democracy and stressed that the Cuban democratic system had the full support of the Cuban people, said that the text of the draft resolution did not reflect the diversity of democratic models. Once again a United Nations body was being asked to forward a single model for democracy, disregarding economic, social and political circumstances. There seemed to be a distinction made between good and bad democracies.

53. Care must be taken not to condone interference in the internal affairs of sovereign States on the pretext of defending democracy and her delegation thus regretted the reference in the draft resolution to the so-called Inter-American Democratic Charter (ninth preambular paragraph). The draft resolution was an unbalanced one and proposed erroneous models. More open consultations should have been held which would have led to all points of view being reflected in the text. She therefore requested a recorded vote and said that her delegation would abstain.

54. Mr. DEMBRI (Algeria) said that his delegation would support the draft resolution although it considered that the focus was too narrow. He regretted, for example, that no mention had been made of developments on the African continent, such as the African Charter of Human and Peoples' Rights and the New Partnership for Africa's Development (NEPAD). The text also failed to stress the link between civil and political rights and economic, social and cultural rights and did not condemn interference in the domestic affairs of States.

55. Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) said that although her delegation agreed with the importance of the elimination of extreme poverty, as expressed in the sixth preambular paragraph, it had reservations about the use in that same paragraph of the term good governance, which had not yet been clearly defined. She also had reservations about paragraph 5, which referred to meetings and bodies that were outside the United Nations system and implied approval of interference in the domestic affairs of States in the name of democracy, and about paragraph 11 which again referred to meetings of bodies which were outside the United Nations system. Her delegation would therefore abstain from voting on the draft resolution.

56. Mr. SIDDIG (Sudan) said his Government was committed to democracy but stressed that the basic principles thereof could be applied differently in the context of the particular circumstances, culture and tradition of the various States. He regretted that the amendments proposed by the delegation of Cuba had not been accepted and would abstain from voting.

57. Mr. KHABBAZ-HAMOUI (Syrian Arab Republic) said that his Government was committed to democracy. However, the text of the draft resolution was too weak and, in particular, it did not give due consideration to the legitimate struggle of peoples living under foreign domination. His delegation would therefore abstain during the vote.

58. Mr. MINDUA KESIA-MBE (Democratic Republic of the Congo) said he regretted that the draft resolution did not pay sufficient attention to economic, social and cultural rights, which were essential for meeting the needs of the peoples of the world. It also gave the impression that it supported interference in the internal affairs of States. His delegation would nevertheless vote in favour of the draft resolution.

59. At the request of the representative of Cuba, a recorded vote was held on the draft resolution.

In favour: Algeria, Argentina, Armenia, Austria, Bahrain, Belgium, Brazil, Burundi, Cameroon, Canada, Chile, Costa Rica, Croatia, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Kenya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Poland, Portugal, Republic of Korea, Russian Federation, Senegal, South Africa, Spain, Sweden, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Zambia.

Against: None.

Abstaining: China, Cuba, Libyan Arab Jamahiriya, Saudi Arabia, Sierra Leone, Sudan, Swaziland, Syrian Arab Republic, Viet Nam.

60. The draft resolution, as orally revised, was adopted by 43 votes to none, with 9 abstentions.

Draft resolution on human rights in the administration of justice, in particular juvenile justice (E/CN.4/2002/L.67)

61. Mr. MAUTNER-MARKNOF (Austria), introducing the draft resolution on behalf of its sponsors, said it took into account developments over the previous two years. It included a paragraph of the Durban Declaration and Programme of Action calling on States to pay specific attention to the negative impact of racism on the administration of justice and to increase awareness among public officials of their obligations under international instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination. It also contained a new paragraph on the prohibition of the imposition of the death penalty, or life imprisonment without the possibility of release, on children and juveniles.

62. As a result of consultations with other delegations, he had a change to make to paragraph 17: in the last two lines, the words "of the Convention on the Rights of the Child and other relevant international standards on juvenile justice" should be deleted and replaced with "of international humanitarian law and applicable international human rights instruments, including the Convention on the Rights of the Child".

63. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Burundi, Chile, Costa Rica, France, Japan and Swaziland and the observers for Albania, Angola, Australia, Bosnia and Herzegovina, Ethiopia, Latvia, Luxembourg, Paraguay, Slovakia and Turkey had become sponsors of the draft resolution, which had no financial implications.

64. Mr. BOICHENKO (Russian Federation) said he regretted that an important change had been made just before the vote. Under normal circumstances, he would have asked for the voting to be deferred, but would not do so in view of the time constraints on the Commission.

65. Mr. DEMBRI (Algeria) said he regretted that the text did not strike a blow against impunity by taking up a position on the need to prevent States from using State secrecy to hide abuses. He also regretted that there was no condemnation of the use of administrative detention, a common practice in Europe, which was illegal and violated basic political and civil rights.

66. The draft resolution, as orally revised, was adopted.

Draft resolution on the right to freedom of opinion and expression (E/CN.4/2002/L.69)

67. Mr. VON KAUFMANN (Canada), introducing the draft resolution on behalf of its sponsors, said it built on past resolutions and took into account issues raised in the report of the Special Rapporteur, including protection for journalists working in areas of armed conflict. It also promoted freedom of expression for the media, broadcasting and the Internet and took into account the relevant provisions of the Durban Declaration and Programme of Action. It urged States to limit restrictions on the peaceful exercise of the right to freedom of opinion and expression to those permitted under international human rights law.

68. As a result of consultations, there were a number of changes to be made to the text. Paragraph 7 should be deleted and replaced by:

> "Calls upon States to refrain from imposing restrictions which are not consistent with the provisions of article 19 (3) of the International Covenant on Civil and Political Rights, including on discussion of government policies, reporting on corruption in government, engaging in peaceful demonstrations, or expression of religion or belief;".

69. Paragraph 13 should be deleted and replaced by:

> "Urges Governments to respect freedom of expression in the media and broadcasting, and in particular, to respect the editorial independence of the media, and to encourage a diversity of sources of information, including through transparent licensing systems and effective regulations on undue concentration of ownership of the media in the private sector, and to refrain from imposing restrictions which are not consistent with

the provisions of article 19 (3) of the International Covenant on Civil and Political Rights on the free flow of information and ideas, including practices such as the unjustifiable banning or closing of publications or other media and the abuse of administrative measures and censorship;".

70. Finally, paragraph 15 should be deleted and replaced by:

"Urges States to refrain from imposing restrictions which are not consistent with the provisions of article 19 (3) of the International Covenant on Civil and Political Rights on access to or use of modern telecommunications technologies, including radio, television and the Internet,".

71. Mr. REYES RODRIGUEZ (Cuba) said his delegation had fully intended to propose the amendments it had tabled to the draft resolution on the subjects of the dissemination of racism, responsible use of the right of freedom of expression and the need to create a balance in the flow of information between the developed and developing countries (E/CN.4/2002/L.70). His delegation would continue to defend the importance of such issues but, given the flexibility shown by the delegation of Canada with regard to possible revisions in the future, his delegation was prepared to withdraw its amendments and join the consensus.

72. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Armenia, Austria, Brazil, Burundi, Cameroon, Chile, Costa Rica, Croatia, India, Republic of Korea, Senegal, Sierra Leone, South Africa and Uruguay and the observers for Colombia, Dominican Republic, El Salvador, Equatorial Guinea, Georgia, Latvia and Madagascar had become sponsors of the draft resolution.

73. Mr. LEWALTER (Germany) said his delegation was deeply concerned at the extent to which journalists were being physically harmed, threatened, attacked or even killed in the course of their duties. According to Reporters without Borders International, 31 journalists had been killed in 2001; many others had been harassed, imprisoned, arrested or threatened.

74. The international community must react to that situation and he welcomed the fact that the draft resolution stressed the urgent need to protect journalists and other media professionals and permit them to exercise their right to freedom of opinion and expression.

75. Mr. DEMBRI (Algeria) said that modern technology had made illegal eavesdropping on private conversations and exchanges of information far too easy. Such activities were an attack on freedom of expression and he noted in particular the so-called ECHELON surveillance network, which had been condemned by the European Parliament. The draft resolution should oppose such misuse of modern information and communications technologies.

76. Ms. JANJUA (Pakistan) said she regretted that changes had been made to the text at the last minute thereby rendering proper consultation impossible. Consensus implied a broad understanding based on full consultations; it was not clear what arrangements had been made between which delegations and the revisions had been presented as a fait accompli. Her delegation would, nevertheless, join in the consensus but hoped that the method of work employed would not set a precedent for the future.

77. Ms. WONG (Secretariat) said that the total cost of the activities envisaged under paragraphs 24 and 25 of the draft resolution was estimated at $31,600 for 2002, $36,500 for 2003, $36,500 for 2004 and $4,800 for 2005. As provision had already been made in the programme budget for the biennium 2002-2003 and would be included in the budget for 2004-2005 for activities of a perennial nature, no additional funding would be required if the draft resolution was adopted.

78. The draft resolution, as orally revised, was adopted.

79. Mr. AL-FAIHANI (Bahrain) said that his delegation had supported the draft resolution on further measures to promote and consolidate democracy (E/CN.4/2002/L.65) because the participation of citizens in the decision-making process was important for human development. It had reservations, however, about some of the terminology used in the text and was disappointed that no reference had been made to cultural diversity or to certain issues that might interfere with the domestic jurisdiction of States.

80. Mr. KHABBAZ-HAMOUI (Syrian Arab Republic) said that it was essential to distinguish between terrorism and the legitimate struggle of peoples for independence and freedom. Consequently, his delegation would have liked the draft resolution on human rights and terrorism (E/CN.4/2002/L.50) to include paragraph 15 of the General Assembly resolution on measures to eliminate international terrorism (A/RES/46/51), in which the General Assembly considered that nothing in the resolution could in any way prejudice the right to self-determination, freedom and independence of peoples forcibly deprived of that right, particularly peoples under colonial and racist regimes or other forms of alien domination. His delegation had therefore abstained from voting on that draft resolution.

81. Ms. JANJUA (Pakistan) said that, while her delegation supported the contents of the draft resolution on extrajudicial, summary or arbitrary executions (E/CN.4/2002/L.51) and in particular the mandate of the Special Rapporteur on the subject, it had abstained from voting because the concerns repeatedly expressed by the OIC about the use of the term "sexual orientation" in paragraphs 6 and 12 had not been given due consideration. International standards should be set through the consensual adoption of international legal instruments and not through political resolutions or declarations. Lastly, the inclusion of ordinary murders in the draft resolution was misplaced, as it diverted attention from the focus of the text.

82. Mr. WATANABE (Japan) said that his Government was fully committed to the prevention and eradication of torture, and his delegation had thus voted in favour of the draft resolution on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/2002/L.53). It had some reservations, however, about paragraph 12, which called upon all Governments to take appropriate measures to prohibit the production, trade and export of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. It was impossible to provide a concrete definition of such equipment so States would have to penalize all uses, even if the equipment was used, for example, for exhibition purposes in a film or in a play.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued) (E/CN.4/2002/L.49)

Draft resolution on women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing (E/CN.4/2002/L.49)

83. Ms. ACOSTA (Mexico), introducing the draft resolution, said it reflected a common will to improve the situation of women everywhere and highlighted the interdependence of all human rights. It had been prepared on the basis of Commission resolutions 2000/13 and 2001/34. She welcomed the efforts made in recent years, especially with regard to the right of women to adequate housing. In that connection, she drew attention to the fact that the full official title of the Special Rapporteur on adequate housing had been used in paragraph 13.

84. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Brazil, Burundi, Cameroon, Canada, Croatia, India, Japan, Malaysia, Thailand, Uganda and the United Kingdom and the observers for Equatorial Guinea, Liechtenstein, Luxembourg, Mauritius, Panama, Switzerland and Zambia had become sponsors of the draft resolution, which had no financial implications.

85. Ms. JANJUA (Pakistan), speaking on behalf of the OIC, said that it was the understanding of the member States of the OIC that the provisions of the draft resolution were to be implemented by each State within the context of its own religious, cultural and national values and, in the case of the Islamic States, that meant the Koran and the Shariah.

86. The draft resolution was adopted.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN

(agenda item 12) (continued) (E/CN.4/2002/L.59, L.63 and L.66)

Draft resolution on integrating the human rights of women throughout the United Nations System (E/CN.4/2002/L.59)

87. Mr. UTRERAS (Chile), introducing the draft resolution, said that its sponsors wished to reaffirm their commitment to mainstreaming a gender perspective into the work of all entities of the United Nations and welcomed the integration of such a perspective into the major United Nations conferences, special sessions and summits.

88. In the draft resolution, the Commission recognized the important role of women in the prevention and resolution of conflicts and in peace-building, the importance of their equal participation in all efforts for the maintenance of peace and the need to ensure the integration of a gender perspective into United Nations peace processes. It requested the Secretary-General to report on the implementation of the resolution, including an analysis of the extent to which the human rights of women were being integrated into the United Nations system.

89. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Armenia, Burundi, Costa Rica, Ecuador, Germany, Senegal, South Africa and Spain and the observers for Albania, Andorra, Belarus, Cyprus, El Salvador, Equatorial Guinea, Ireland, Malta, Mauritius, Moldova and Slovenia had become sponsors of the draft resolution, which had no financial implications.

90. The draft resolution was adopted.

Draft resolution on traffic in women and girls (E/CN.4/2002/L.63)

91. Mr. LEPATAN (Observer for the Philippines), introducing the draft resolution on behalf of its over 90 sponsors, said that as in previous years, it focused on the human rights perspective in addressing the global problem of trafficking, and in particular, the need to ensure protection and assistance to the victims while penalizing traffickers and intermediaries. It contained a number of new elements, based on the conclusions of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Congress against Commercial Sexual Exploitation of Children.

92. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Armenia, Belgium, Costa Rica, Germany, Guatemala, Indonesia, Malaysia, Nigeria, Portugal, Spain, Sudan, Sweden and Zambia and the observers for Andorra, Angola, Georgia, Israel, Morocco, San Marino, United States of America and Yugoslavia had become sponsors of the draft resolution, which had no financial implications.

93. The draft resolution was adopted.

Draft resolution on the elimination of violence against women (E/CN.4/2002/L.66)

94. Ms. SIMINOWSKI (Canada) said that the draft resolution focused on violence in the family. The Commission welcomed the attention given to violence against women by its special mechanisms and emphasized the serious impact of violence against women on their physical and mental health. It urged States to take measures to address gender role stereotypes that contributed to the prevalence of violence against women and pointed out that they had a duty to promote and protect the human rights of women, and to exercise due diligence to prevent, investigate and punish acts of violence against women.

95. There were three changes that had been made to the text: the word "and" in the fourth line of the ninth preambular paragraph should be replaced by the word "or"; the word "other" should be deleted from the fourth line of paragraph 6; and the words "against women" should be added after the word "violence", in the second line of paragraph 14 (d).

96. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Armenia, Brazil, France, Germany, Malaysia, Uruguay and Zambia and the observers for Andorra, Angola, Bangladesh, Belarus, Colombia, Denmark, El Salvador, Equatorial Guinea, Ethiopia, Georgia, Haiti, Hungary, Israel, Latvia, Macedonia, Madagascar, Mauritius, Moldova, Mongolia, Mozambique, Slovenia, Tunisia and Yugoslavia had become sponsors of the draft resolution, which had no financial implications.

97. Ms. DE ARMAS GARCIA (Cuba) said she appreciated the efforts of the international community to eliminate all forms of violence against women and welcomed the fact that the draft resolution was the result of a broad consultation process and encompassed a wide range of measures to prevent violence against women. The words "Tomando nota" in the sixth preambular paragraph of the Spanish version of the text should be replaced by the word "Observando", in accordance with standard practice.

98. The draft resolution, as orally revised, was adopted.

RIGHTS OF THE CHILD (agenda item 13) (continued) (E/CN.4/2002/L.19)

Draft resolution on abduction of children from northern Uganda (E/CN.4/2002/L.19)

99. Mr. OMOTOSHO (Nigeria), speaking on behalf of the African Group, said that the draft resolution had been the subject of informal consultations with interested delegations and the wording proposed by some delegations had been taken into account. In the draft resolution, the Commission welcomed the report of the High Commissioner for Human Rights on the abduction of children from northern Uganda (E/CN.4/2002/86), urged all Member States to support sustainable rehabilitation and reintegration programmes for abducted children and their dependants and welcomed the re-establishment of full diplomatic relations between the Sudan and Uganda. It also called for the immediate cessation of abductions and the immediate and unconditional release and safe return of all abducted children, and urged the United Nations and the international community to continue their efforts to improve the situation.

100. Mr. MINDUA KESIA-MBE (Democratic Republic of the Congo) said that the draft resolution addressed the odious practice of the abduction of children, which was a good enough reason to support it. However, in previous years, the draft resolution had been submitted by the delegation of Uganda, whose Government was guilty of abducting children from the territories occupied by its army in his own country. As his delegation did not wish to break a consensus within the African Group, it had withdrawn its own draft resolution on the issue and would support the draft resolution proposed by the representative of Nigeria.

101. Mr. GAKWANDI (Uganda) said he wished to make it clear that the draft resolution did not address the political situation in his country; it called for the observance of humanitarian law, and made specific reference to a rebel group that specialized in the abduction of children in northern Uganda. He was surprised at the accusation by the representative of the Democratic Republic of the Congo, as his Government had never been involved in the abduction of children. In 2000, his Government had rescued a group of internally displaced children from a conflict area in the Democratic Republic of the Congo, and had handed them over to the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Refugees (UNHCR).

102. The draft resolution was adopted.

The meeting rose at 12.55 p.m.